

## Peace to tents, war to palaces? Chronicle of tent confrontation

No. 10/211, March 5, 2001

Spring started a few days ago in Kyiv with unusually cold and nasty days. The snowstorm was accompanied with political squall caused by taking down 55 tents in the Khreshchatyk, Kyiv's main street. For about two months the tents - some of them displaying pieces of paper displaying handwriting that informed everybody that the tents were property of members of the Ukrainian parliament - housed anti-Kuchma protesters.

On March 1, 2001 the tents were taken down pursuant to an earlier verdict of the Starokyivsky Borough Court of Kyiv. Instead, the court's judgement issued the day before allowed mass actions, including organization of tent camps, at the park about a mile away from the initial place, near the Friendship of People's arch, commemorating the mid-XVII century union treaty between Ukraine and Russia.

Meanwhile, according to one of the action coordinators Yuri Lutsenko, the protesters never received the court's verdict and they «knew no legal grounds for the liquidation». The official explanation of the action was given by head of the spokesman of the Kyiv Department of the Interior Oleksandr Zarubysky: the law enforcement personnel implemented the decision «on cleaning the sidewalk of the Khreshchatyk street» (Interfax-Ukraine, March 1, 2001). The whole action was «completed in 20 minutes», he added. The «Kuchma-free zone» was liquidated by bailiffs and communal service workers, with the militia only «ensuring order», as its representatives put it. According to law-enforcement officers, about 300 militia were involved in «providing for public order» during the implementation of the court's judgement. As a result, 44 protesters were detained. Describing the actions of the militia, Yuri Lutsenko said: «they would just circle a tent, catch the people and through them to the «voronki» (i.e., a Soviet-time slang for notorious police vehicles) (Interfax-Ukraine, March 1, 2001).

Obviously, the police had a different opinion: during the dismantling of the tents 44 persons resisted the law enforcement authorities and, therefore, «the courts will determine the degree of their liability». The detained protesters were charged with resistance to the police or refusal to perform legitimate orders of the police (Article 185 of the Administrative Code). According to Lutsenko, «the court's verdict about the dismantling of the tent camp was presented to us only after the tents were liquidated. It was also our understanding that pursuant to the verdict issued on February 29 we had ten days to challenge it in the Kyiv City Court» (Den, March 2, 2001).

Later in the evening it was announced that about 20 of the protesters detained in the morning had been released - most of them upon having paid a UAH 136 (about \$23) fine. Interestingly, the court hearings showed that the protocols of violations had been filled out incorrectly, contained wrong information about time, and that the bailiffs had failed to present their identification documents and the authorizing court verdict.

Hence, the tent protest in the Khreshchatyk Street was ended. By March 1, 2001, it had been joined by almost 30 political parties and NGOs.

The initial reaction of the top leadership of the state to the liquidation of the tent camp may serve as an answer to questions about chances for an effective dialogue between the authorities and the current opposition. Yet, since no broader comments and forecasts have been offered to clarify the initial position, the question about the possibility of such a dialogue remains open, and the crisis seems far from resolved.

On March 1 Leonid Kuchma announced he approved of the removal of the tents from the Khreshchatyk. 'It's good that there are authorities in Kyiv and that they abide by the Ukrainian legal framework,» the head of the state said (UR-1, March 1, 2001). He also added that nobody objected to letting the opposition sit in their tents, but that it had been given a special place for exercising that right, as it is done in all civilized countries.

Prime Minister Victor Yushchenko's comment was less blunt but more «traditional». During his routine visit to London Yushchenko said he continued to believe that the only way to settlement of the political conflict was the way of dialogue, respect for the law and democratic norms by all of the parties involved.

The leadership of the anti-Kuchma opposition reacted to the event rather unanimously: the protest actions would continue though in a different form, the opposition representatives said. A leader of the National Salvation Forum Taras Stetskiv, MP, announced: «Nowadays, there is an issue of self-organization of youth, professional, teachers' and working collectives. And those circles should decide for themselves whom they want to follow: the power-holders or the opposition.»<sup>1+1</sup>, TSN, March 1, 2001). On March 2 the National Salvation Forum and the «Ukraine without Kuchma» initiative disseminated their appeal to members of foreign parliament and governments, urging the West to strengthen pressure on Ukrainian President Leonid Kuchma. The language of the appeal confirms the argument that current prospects for a dialogue or a «roundtable» between the opposition and the state authorities are quite shaky. The appeal described the recent events as a new wave of the political crisis that differed from the previous stages by the fact that the authorities that had «previously refrained from violent actions» «announced a war to the opposition». «Following the order of top state officials, the militia, using the court's verdict as a cover, <...> brutally destroyed the tent camp,» the appeal read. According to the opposition, the use of «violence» by the authorities indicated their unwillingness to «conduct a civilized dialogue with the society and their inability to purify itself of suspicion of murdering the journalist, crime and covering corrupt individuals» (Ukrainski Novyny, March 2, 2001).

From the very start of the new «tent-based» history of Ukraine the authorities and the opposition have displayed two radically different logical approaches to the current political crisis and ways of overcoming it. The power establishment made remarkable blunders, expressed in the notorious inconsistency of its actions in the investigation of the «Gongadze case» and «the tape scandal». The Ukrainian opposition, for all its lack of constructive approach and diversity, has been rather unanimous in demanding the resignation of President Kuchma and the law enforcement ministers, and transforming Ukraine into a parliamentary republic. The recent developments resulted in the de facto break-up of the parliamentary majority and a new way of confrontation between the parliament and the government.

The tent camps, a kind of Ukrainian «Hyde Parks», have been significant elements determining the current political tension. Dynamics of their emergence and development may well illustrate the stages of confrontation and some signs of potential «cease-fire» in relations between the participants of the current political crisis.

The first four tents were put in the Maidan Nezalezhnosti in Kyiv on December 15, 2000. The protesters included representatives of both wings of the national political spectrum: from the Ukrainian People's Rukh to the Socialist party, as well as smaller players like the Vpered, Ukraino!, the Ukrainian Republican Party, the Sobor, and the Ukrainian Conservative Republican party. The protesters called for «voluntary resignation of the President and other officials involved in this affair. But if the matter fails to be brought to the resignation, there is one more goal: to change this system of relations in politics, to wake up the society, to open people's eyes at what is going on» (Ukraina Moloda, December 16, 2000). The rally in Kyiv on December 19, 2000 gathered about 5,000 protesters - mostly supporters of the Communist party, the Socialist party, the two Rukhs, and some radical right organizations. At that time about 50 persons were permanently «on duty» in the tents in the Maidan Nezalezhnosti. The most active participants of the action under the slogan «Ukraine without Kuchma» were members of the Socialist party, Vpered, Ukraino!, the Ukrainian Republican Party, the Sobor, Ukrainian People's Rukh, the Ukrainian Conservative Republican party, the UNA-UNSO, the Congress of Ukrainian Nationalists. On December 20, 2000, the December action culminated in a meeting between the President of Ukraine and the action's leaders, which, according to the latter, resulted in «achieving a compromise». According to one of the coordinators of the protest action Volodymyr Chemerys, «the talk with the President was sharp, but without the words that [could be heard] on the tape.» According to the protest leaders, the President promised «to order relevant state agencies to appeal to international organizations (the Council of Europe, the OSCE) for professional assistance in providing independent expertise of all pieces of evidence in the Gongadze case. Reportedly, President Kuchma also agreed to dismiss the law-enforcement ministers, as recommended by the Verkhovna Rada, but argued he would need the formal submission by the Prime Minister, as,

allegedly, provided for by the Constitution. The President also reportedly agreed to allow live broadcasting of the protesters' statements by the national TV channel, UT-1. In their turn, the protesters promised to «take care about the young people who are out there in the cold, on the granite» (Vechirniy Kyiv, December 21, 2001). However, later in December Yuri Lutsenko argued that all pledges made by President Kuchma «flopped in less than a day». Although, according to Lutsenko, President Kuchma told the action organizers personally that he had officially ordered to involve foreign experts to the testing in the Gongadze case, a few days later Deputy Attorney General Victor Kudryavtsev announced that «only Ukrainian experts will perform the testing» (Silski Visti, January 1, 2001). The different claims demonstrated yet another evidence of systemic inconsistency and lack of coordination of actions of the authorities

On December 21, 2000, Volodymyr Chemerys spoke for five minutes from the assembly podium of the Verkhovna Rada in order to deliver formally the protesters' demands to the parliament. His speech was the culmination of the «negotiation» period, but the next day it was announced that the Starokyivsky Borough Court prohibited the protesters to organize actions in the Maidan Nezalezhnosti and to picket governmental buildings. The court's judgement was made in response to the Kyiv City Administration's demand to ban the protest actions on the central square, quoting the need to prepare it for the new year celebration. The official justification of the verdict was Article 39 of the Constitution of Ukraine that protected citizens' right for recreation and leisure. One day before the mayor of Kyiv demanded on the borough court to sanction the eviction of the protesters and removal of their tents, which, in his opinion, interfered with the preparation for the New Year celebration. Mayor Omelchenko was then quoted by the media as stating he would «find the wind to blow away those tents». About 50 tents had to be removed on December 23, but the protest coordinators announced that «the protest will last till President Leonid Kuchma's resignation. For the time of the New Year and Christmas vacations in Kyiv it will simply transform into other forms. After the Vodokhreshche [a holiday of Baptism celebrated by Orthodox Christians on January 19] the tents will be back on the Maidan. Moreover, the City Chairman promised to make the space for them and clear the snow» (Holos Ukrainy, December 26, 2000).

«Other forms» of the protest transformed into tent camps in regional cities and towns. The first tent camps emerged in Lviv almost immediately after the start of the action in Kyiv. In January 2001 tent camps were growing in 15 of Ukraine's regions: in Kharkiv, Rivne, Ivano-Frankivsk, Chernihiv, Zaporizhya, Vinnytsya and Dnipropetrovsk. The protesters' actions were repeatedly challenged by local law enforcement bodies. A demonstrative attack on the protesters was the destruction of tents in Kharkiv on January 12. Later on, the incident proved to be one of tactical victories of the opposition, when head of the Kharkiv regional Interior Department Oleksandr Gapon had to present his formal apology for the destruction of the «Ukraine without Kuchma» tent camp by the local militia. The official publicly announced that he had ordered punishing a number of militia officers «who did not perform their professional duty adequately» (Holos Ukrainy, February 1, 2001).

Talking to the press in mid-January, Yuri Lutsenko said that the tents would be brought back to Kyiv at the end of the month, on January 21, 2001. However, the Kyiv part of the protest action was somewhat delayed by the frost, the reconstruction of the main city square and the fences, surrounding the construction sites. On January 24, the Kyiv City Administration ordered to start the construction of the monument in the honor of independence of Ukraine, as decreed by President Kuchma, to mark the 10th anniversary of Ukraine's independent statehood to be celebrated in August 2001. After the Kyiv City Administration urged the protesters to refrain from placing their tents on the square, on January 29 the Kyiv city committee of the Socialist party lined up its «Ukraine without Kuchma» protest tents at the opposite side of the square. One of the tents was put in memoriam of Georgy Gongadze, others belonged to activists of the Socialist party, the UNA-UNSO, the Sobor and the Ukrainian Communist Youth Union.

After the second eviction the tents were placed along the Ukrainian capital's main street. There had been 55 of them by March 1. After the liquidation of the tents the opposition lost initiative. It is hard to disagree with an opinion expressed by some Ukrainian media: «the initially beneficial situation of the opposition after the militia raid against the tents way also prove to be beneficial for the authorities,» as «the illegal - as leaders of the NSF [i.e., National Salvation Forum] maintain - action of the militia against the tents in the Khreshchatyk [present] a great reason for firing the Interior Minister Yuri Kravchenko. Therefore, «in such a case both of the parties will be satisfied: the opposition will celebrate yet another victory, the authorities will demonstrate their «democratism» and objectivity.

What will happen next?» (Den, March 2, 2001). The rhetoric question does not seem to have its answer yet.